



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

5720
Ser BPMOW.clp/093
April 8, 2019

Mr. Jason Fagone
San Francisco Chronicle
901 Mission Street
San Francisco, CA 94103

Dear Mr. Fagone:

This correspondence is in regards to your Freedom of Information Act (FOIA) request of August 14, 2018, in which you seek the following:

All emails received by Navy personnel from Thorpe Q. Miller, a former radiological data analyst with the Navy Contractor Tetra Tech EC Inc. Additionally, all other Navy records that mention or involve Thorpe Q. Miller, including any opinions, memos, or communications produced by Navy legal staff regarding Miller's employment with Tetra Tech EC, or his employment with any other Navy contractors or subcontractors.

Your request was received by this office on March 12, 2019 and assigned file number DON-NAVY-2018-010497.

Unfortunately, due to current heavy Navy workloads and the need to coordinate with other Navy departments, we are unable to provide you a final determination on your request within the 20 working day time limit of your FOIA.

At this time, we are also unable to provide an estimate of when your request will be completed because of uncertainty regarding the type and number of records that may be responsive. The processing of your request is being continued and a date for the response will be provided by May 31, 2019.

Please be advised that fees associated with the processing of your request are waived in this instance.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

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The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Should you agree to await a substantive response, your right to appeal any denial of information, in whole or in part, will not be prejudiced. In the event of a partial or total denial, you will be afforded 60 calendar days from the date of denial in which to appeal.

Any questions concerning this matter should be directed to Mr. Charles Perry who may be contacted at charles.l.perry@navy.mil or 619-524-5927.

Sincerely,


for KIMBERLY A. OSTROWSKI